

**DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT  
HOCHATOWN WILDLAND URBAN INTERFACE  
VEGETATION MANAGEMENT PROJECT  
U.S. FOREST SERVICE  
OUACHITA NATIONAL FOREST  
OKLAHOMA RANGER DISTRICTS  
MCCURTAIN COUNTY, OKLAHOMA**

## **DECISION**

Based upon my review of the Hochatown Wildland Urban Interface (WUI) Vegetation Management Project Environmental Assessment (EA), I have decided to implement the Proposed Action, which includes the following management activities:

- Seedtree regeneration harvest – 481 acres
- Commercial thinning harvest – 4,564 acres
- Group Selection harvest – 664 acres
- Clearcut regeneration harvest – 56 acres
- Timber Harvest Connected Actions
  - Timber stand improvement - release – 1,201 acres
  - Mechanical site preparation – 37 acres
  - Chemical site preparation – 1,163 acres
  - Hand planting of shortleaf pine – 56 acres
  - Timber stand improvement – Pre-commercial Thinning (if needed)
- Wildlife Stand Improvement - Midstory removal; mechanical & chemical– 4,564 acres
- Wildlife pond construction – 14 ponds
- Bluebird nest box construction – 28 boxes
- Mechanical removal of vegetation along roads – 196 acres
- Erosion control/Pollinator habitat improvement seeding – 196 acres
- Fire line construction; Mechanical or hand – 19.35 miles
- New system road construction and relocation – 5.02 miles
- Temporary road construction – 10 miles

This action will be implemented within Sections 3-9, and 15-18 of Township 5 South, Range 25 East and Sections 10-15, 22-27, and 36 of Township 4 South, Range 24 East of McCurtain County.

A narrative description of the selected alternative, and associated technical requirements and monitoring, are provided on pages 8-12 and 14-19 of the EA.

## DECISION RATIONALE

The ***purpose*** of this action is to promote the health and vigor of the project area by providing for a diversity of plant and animal communities, creating early seral habitat, reducing fuel accumulation, and producing a sustainable yield of wood products. Guidance is also found in the National Cohesive Wildfire Strategy Goals/Objectives (USDA & USDOJ). These goals/objectives are to Restore and Maintain Resilient Landscapes- Prescribed Fire: Expand or maintain in areas of current use, Non-fire Treatments: Supported by forest products industry, Non-fire Fuels Treatment: In areas with limited economic markets, Fuels Treatments as a precursor to prescribed fire or managed wildfire. Create and Maintain Fire-adapted Communities-Focus on home defensive actions, Focus on combination of home and community actions, Reduce catastrophic natural ignitions, Reduce accidental human-caused ignitions, Reduce human-caused incendiary ignitions (e.g., arson). Improve Wildfire Response-Prepare for large, long-duration wildfires, Protect structures and target landscape fuels, Protect structures and target prevention of ignitions. Contrasts between the current conditions in the project area and the desired conditions identify the ***need*** for this action, namely:

- Past fire suppression activities have removed the natural role of fire from the landscape, resulting in excessive fuel accumulations. This increases the intensity and severity of how wildfire affects the natural resources and conversely the risk of damage to resources in the event of wildfire is increased.
- Public and Responder safety are at risk should a wildfire occur. The rapid development and expansion of the Hochatown community into the wildlands poses an immediate threat to the health and welfare of residences, tourist and responders.
- Pine and hardwood stands contain damaged, poorly formed and diseased trees. The trees are overcrowded or densely stocked, reducing growth and crown development. These conditions result in stress and reduced vigor and health, increasing susceptibility to insects and disease.
- There is limited access to those stands in need of silvicultural treatment, resulting in the need for temporary road construction. Some existing roads are not useable and create the need for road reconstruction.
- There is a lack of high quality forage and a lack of nesting habitat for species requiring early successional habitat.
- A booming population and tourism industry has also increased the number of recreating public on and around Forest Service lands, increasing the need for established firelines and defensible space along the Forest Service/Private land boundary to protect public safety.

I selected the Proposed Action over the other alternatives because it best satisfies the purpose and need for the project.

1. The No Action would not provide a reduction in fuel accumulation or wood products.
2. I selected the Proposed Action over the No Herbicide Use Alternative because herbicide is an effective treatment for site preparation, midstory removal, and seedling release, particularly for the suppression of woody sprouts.
3. I selected the Proposed Action over the Uneven Aged Management Alternative because it better meets the purpose and need of providing early seral habitat.
4. I selected the Proposed Action over the Shaded Fuel Breaks Alternative because it better meets the purpose and need of protecting public and responder safety.

The Hochatown WUI Vegetation Management Project EA documents the environmental analysis and conclusions upon which this decision is based.

## PUBLIC INVOLVEMENT

A Project Announcement Letter (PAL) or “scoping letter” was mailed to interested publics on January 19, 2018, requesting input on the proposed actions. The project was also published in the Ouachita National Forest Schedule of Proposed Actions. A large number of responses were received from the public through multiple communication methods, including phone calls, office visits, emails, etc. This project garnered a large amount of interest and response from the community. In response, additional outreach efforts were undertaken. An “After Hours” question and answer session was held on February 13, 2018, an Open House meeting was held on April 23, 2018, and a Field Tour open to the public was held on July 18, 2018. The EA was released for public review and comment on August 27, 2019; a legal notice of the 30-day comment period was published in the *McCurtain Daily Gazette*. No responses were received during the comment period. The EA lists agencies and individuals consulted in Chapter 4.

Scoping identified four issues:

1. The proposed action should not occur because any management around the Hochatown area would adversely impact cabins, recreation, and other interests; the No Action Alternative addressed this issue.
2. Herbicide use in proximity to cabins, homes, and municipal water source (Broken Bow Lake) may adversely impact public health; the No Herbicide Use Alternative addressed this issue.
3. Seed tree and other even-aged regeneration harvests are unnecessary and may adversely affect the scenic quality of the forest around homes, vacation cabins, and other recreation areas; the Uneven Aged Management Alternative addressed this issue.
4. Close proximity of proposed fire lines to homes and cabins may adversely affect scenic and recreation quality, increase access to illegal OHV use, and negatively affect the local economy; the Shaded Fuel Breaks Alternative addressed this issue.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Ouachita National Forest Revised Land and Resource Management Plan. The project was designed in conformance with the Vision, Strategy, and Design Criteria direction.

### National Forest Management Act (NFMA)

Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities on NFS lands to harvest timber only where:

1. **Soil, slope, or other watershed conditions will not be irreversibly damaged;**  
See EA, Chapter 3
2. **There is assurance that the lands can be adequately restocked within five years after final regeneration harvest;**  
Hand-planting will occur if natural regeneration is inadequate (EA, p. 9,10)

3. **Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat;**  
Protection is provided by adherence to minimum widths of streamside management areas (SMAs), protected areas adjacent to bodies of water and on each side of perennial streams and other streams with defined channels (Revised Forest Plan, pp. 103-104)
4. **The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber.**  
See EA, Purpose & Need, pp. 3-5; Proposed Action Description, pp. 8-10

A Responsible Official may authorize site-specific projects and activities on NFS lands using clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber as a cutting method only where:

1. **For clearcutting, it is determined to be the optimum method; for other cutting methods it is determined to be appropriate and meets the objectives and requirements of the applicable land management plan (16 U.S.C. 1604 (g)(3)(F)(i));**  
See EA, Purpose & Need, pp. 3-5; Description of Treatments, pp. 8-9
2. **The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area (16 U.S.C. 1604 (g)(3)(F)(ii));**  
See EA, Chapter 3
3. **Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 U.S.C. 1604 (g)(3)(F)(iii));**  
The Scenery Treatment Guide-Southern Region National Forests will be followed (EA, p. 17)
4. **These cuts are carried out according to the maximum size limits for areas to be cut in one harvest operation as required by 16 U.S.C. 1604 (g)(3)(F)(iv)).**  
Cuts are carried out according to the maximum size of regeneration area for even-aged management under Design Criteria FR009 (Revised Forest Plan, p. 81)
5. **Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource (16 U.S.C. 1604 (g)(3)(F)(v)).**  
See EA, Chapters 2 & 3
6. **Under 16 U.S.C. 1604 (m) even-aged stands of trees scheduled for regeneration harvest generally have reached culmination of mean annual increment of growth, unless the purpose of the timber cutting is excepted in the land management plan.**  
Regeneration harvests are in compliance with Design Criteria FR009, Harvest Age (Revised Forest Plan page 81)

## FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

### CONTEXT

The Hochatown WUI Project Area is located due east of the town of Hochatown, Oklahoma and due west of Broken Bow Lake. The project is located within Sections 3-9, and 15-18 of Township 5 South, Range 25 East and Sections 10-15, 22-27, and 36 of Township 4 South, Range 24 East, McCurtain County. The project area is composed of approximately 6,260 acres of National Forest System land within the Oklahoma Ranger Districts of the Ouachita National Forest. The actions will occur in Management Area (MA) 16.

### INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Both beneficial and adverse effects were considered. (See EA Chapter 3)
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. (See EA pages 18,88-90)
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area. There are no park lands, prime farmlands, jurisdictional wetlands, wild and scenic rivers, roadless areas, wildernesses, or ecologically critical areas to be affected. The effects on historic or cultural resources are disclosed in the EA. (See EA pages 24-27)
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. (See EA Chapter 3)
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (See EA Chapter 3)
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because it is similar to projects that have previously been implemented and it is consistent with the direction of the Revised Forest Plan. (See EA Chapter 3)



7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. Past, present, and reasonably foreseeable future actions have been assessed, and any resulting cumulative effects are disclosed in the EA. (See EA page 19; Chapter 3)
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. The Forest Heritage Program Manager prepared a letter of Assumed Concurrence dated July 31, 2017 (project file). (See EA, pages 14-16; 24-27).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action is “likely to adversely affect” the northern long-eared bat; however, there are no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016, signed by Lynn Lewis. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the forest plan, the description of the proposed action in the programmatic biological opinion, and activities that do not require special exemption from taking prohibitions applicable to the northern long-eared bat; therefore, the programmatic biological opinion satisfies the Forest Service’s responsibilities under ESA section 7 (a)(2) relative to the northern long-eared bat for this project (See BE, p. 24).
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Ouachita National Forest Revised Land and Resource Management Plan. (See EA, page 6)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

#### OBJECTION OPPORTUNITIES

This decision is subject to objection pursuant to 36 CFR 218 and must meet all of the requirements of 36 CFR 218.8. A written objection, including attachments, must be postmarked or received within 45 days after the date that notice of this draft decision is published in the *McCurtain Daily Gazette*. Electronic objections in common formats (.doc, .rtf, .pdf, or .txt) may be submitted to: [objections-southern-ouachita@fs.fed.us](mailto:objections-southern-ouachita@fs.fed.us) with Subject: Hochatown WUI Project.



Objections may also be faxed to (501) 321-5334 to the attention of “OBJECTION: Hochatown WUI Project,” sent by mail to:

Forest Supervisor  
ATTN: Objections  
P.O. Box 1270  
Hot Springs, AR 71902

Or hand-delivered during normal business hours of 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays at:

Ouachita National Forest Supervisor’s Office  
Federal Building, 2<sup>nd</sup> Floor  
100 Reserve Street  
Hot Springs, AR

If an objection is received, notice of an objection resolution meeting open to the public will be posted on the Ouachita National Forest website.

#### **IMPLEMENTATION DATE**

As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objections.

#### **CONTACT**

For additional information concerning this decision, contact: Alex Schwartz at (580) 494-6402 ext. 117.

*DRAFT*

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BENNIE H. SOUTH  
Acting District Ranger

Date

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